

Serial No.: 08/873,978
Filed: 12 June 1997

a formula with confusingly 2 open bonds at each end. Further, the Examiner asserts that it is unclear what is linked at these open bonds since Claim 49 cites only a nucleoside. Applicants have amended Claims 59-61 to be dependent upon Claim 58, thereby obviating the rejection.

The Examiner request clarification for the phrase "said spacer" in Claims 59 and 60. Further, Claim 61 cites "said passivation layer" which lacks antecedent basis. Applicants have amended Claims 59 and 60 to be dependent upon Claim 58 which provides antecedent basis for "said spacer". Applicants have amended Claim 61 to be dependent upon Claim 58 which provides antecedent basis for "said passivation layer".

For the foregoing reasons, Applicants respectfully request withdrawal of these rejections.

Rejections Under 35 U.S.C. § 102:

Claims 49, 52, and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Garnier (P/N 6,096,825).

Without agreeing with the propriety of the rejection, and in the interests of furthering the prosecution, Applicants have cancelled Claims 49, 52, and 53, thus making the rejection moot.

Claims 49, 53, and 54 stand rejected under 35 U.S.C. § 102(b) and 35 U.S.C. § 102(e) as being anticipated by Teoule et al. (P/N 5,837,859).

Without agreeing with the propriety of the rejection, and in the interests of furthering the prosecution, Applicants have cancelled Claims 49, 53, and 54, thus making the rejection moot.

Rejections Under 35 U.S.C. § 103(a):

Claims 49, 50, 52, 53, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garnier (P/N 6,096,825) in view of Morrison et al.

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Without agreeing with the propriety of the rejection, and in the interests of furthering the prosecution, Applicants have cancelled Claims 49, 50, 52, 53, and 55, thus making the rejection moot.

Double Patenting Rejection:

Claim 58 stands rejected under the judicially created doctrine of obviousness type double patenting, as being unpatentable over claims 9, 10, 28 and 29 of U.S. Patent Number 6,096,273.

Applicants are submitting a terminal disclaimer showing common ownership of U.S. Patent Number 6,096,273 with the present application.

Conclusion:

The applicants submit that the claims are now in condition for allowance and an early notification of such is respectfully solicited. If after review of the amendment, the Examiner feels that there are further remaining issues, the applicants respectfully request the Examiner call the undersigned, Robin M. Silva, at (415) 781-1989.

Dated: 2/26/01

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

By: Robin M. Silva
Robin M. Silva
Reg. No. 38,304

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249
SF-1036864.hpw

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Appendix of Pending and Allowed Claims

47. (Amended) A conductive oligomer comprising an ethyl-pyridine protected sulfur atom. (Allowed)
48. (Amended) A conductive oligomer comprising a trimethylsilylethyl protected sulfur atom. (Allowed)
57. A composition comprising a conductive oligomer covalently attached to a CPG-nucleoside. (Allowed)
58. An electrode comprising:
a) a monolayer comprising a passivation agent layer comprising conductive oligomers;
and
b) at least one nucleic acid covalently attached to said electrode with a spacer.
59. (Amended) A composition according to claim [56] 58 wherein said spacer is a conductive oligomer.
60. (Amended) A composition according to claim [56] 58 wherein said spacer is an insulator.
61. (Amended) A composition according to claim [56] 58 wherein said passivation agent layer further comprises insulators.
62. A composition comprising a phosphoramidite nucleoside covalently linked to a metallocene. (Allowed)
63. A composition according to claim 62 wherein said nucleoside comprises a ribose and said metallocene is covalently attached to the 2' position of said ribose. (Allowed)
64. A composition according to claim 62 wherein said metallocene is covalently attached to the base of said nucleoside. (Allowed)
65. A composition according to claim 62 wherein said metallocene is ferrocene. (Allowed)
66. A composition comprising a deoxynucleotide triphosphate comprising a covalently attached metallocene. (Allowed)
67. A composition according to claim 66 wherein said metallocene is ferrocene. (Allowed)